

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRUCE BIRCH,

Plaintiff,

v.

ARMUNCCHI, *et al.*,

Defendants.

Case No. 3:20-cv-00485-RCJ-CLB

ORDER

The Court takes judicial notice of the suggestion of death filed in case (3:19-cv-00043-MMD-CLB at ECF No. 150) as to Plaintiff Bruce Birch (#61203).

Pursuant to Federal Rule of Civil Procedure 25(a)(1), “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent’s successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1). As such, if there is no motion for substitution filed within ninety (90) days from the date of this order, the Court will dismiss the case.

IT IS ORDERED that the Court will dismiss this case in ninety (90) days from the date of this order if there is no motion for substitution filed pursuant to Federal Rule of Civil Procedure 25(a)(1).

IT IS FURTHER ORDERED that pending motions at (ECF Nos. 3 and 4) are DENIED with leave to refile within seven days from the Court’s order granting any motion to substitute proper party.

IT IS FURTHER ORDERED that the application to proceed *in forma pauperis* (ECF No. 1) is DENIED as MOOT.

IT IS SO ORDERED this 15th day of January, 2021.


ROBERT C. JONES
UNITED STATES DISTRICT JUDGE